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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,687	12/20/2000	Gal Almog	176/01922	5553
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WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177				
			EXAMINER LOFTIS, JOHNNA RONEE	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,687	Applicant(s) ALMOG ET AL.	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 16-22 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-22 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/06 has been entered.

The following is a non-final office action upon examination of application number 09/742,687. Claims 1-11, 16-22 and 29-39 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11, 16-22 and 29-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-11, 16-18, 21, 22, 29-31 and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, US 6,385,620 in view of Career Horizons.

As per **claim 1**, Kurzius et al teaches storing a database including a plurality of job openings (column 7, lines 10-22 – job posting database); providing a worker record which includes one or more fields describing a worker's qualifications, one or more fields listing a salary currently or previously received by the worker (column 9, lines 53-67 – candidate enters background information including skills and qualifications; column 16, lines 38-56 – candidates enter data regarding previous salary and/or current salary) and one or more fields describing a position desired by the worker (column 9, lines 53-67 – candidate enters job preference data for desired position); and automatically determining by a processor, for at least one of the records in the job opening database, whether the job opening in the record matches the position desired by the worker and whether the worker's qualifications match the job opening in the record (column 17, line 64 – column 8, line 26 – the candidate matching process takes place wherein matching candidates are determined), but does not explicitly teach determining statistics on worker salaries, using the salary in the worker record together with salaries in other worker records. Career Horizons teaches gathering salary information and presenting salary trends. It would have been obvious to one of ordinary skill in the art to use the collected salary information from Kurzius to produce salary trends as taught by Career horizons. The inclusion of salary statistics within Kurzius would let employers and candidates compare salaries for different industries, backgrounds, etc., leading to more accurate salary offering and salary requests.

As per **claim 2**, Kurzius et al teaches displaying data from one or more records of the job opening database which were determined to match the position desired by the worker and to which the worker qualifications match (column 17, line 64 – column 8, line 26 – candidate

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matching process takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches).

As per **claim 3**, Kurzius et al teaches displaying the data from one or more records comprises displaying each record along with an indication of an attitude of an employer generating the job opening record toward the worker record (column 14, lines 19-25 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile).

As per **claim 4**, Kurzius et al teaches the indication of the attitude of the at least one employer comprises an indication of whether the qualifications of the worker were viewed by the at least one employer (column 14, lines 19-25 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile – inherently when the candidate receives the feedback this is an indicator that the candidate qualifications were viewed).

As per **claim 5**, Kurzius et al teaches the one or more fields describing a position desired by the worker comprises a field that states a salary range desired by the worker (column 16, lines 50-52 – background information includes desired salary).

As per **claim 6**, Kurzius et al teaches storing a worker database including a plurality of records of worker profiles (column 9, lines 53-67 – candidate enters background information including skills and qualifications; column 16, lines 38-56 – candidates enter data regarding previous salary and/or current salary) and a job opening database including a plurality of a job opening records (column 7, lines 10-22 – job posting database); automatically determining by a processor, for records in the worker database, respective lists of job opening records that match the worker profile records (column 17, line 64 – column 8, line 26 – candidate matching process

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takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches), wherein one or more job opening records in a list of job opening records are displayed along with an indication of the attitude of an employer generating the job opening record toward the worker's qualifications, as displayed to the employer in a list of worker records (column 14, lines 19-25 – candidates receive feedback from each employer regarding candidate interest and feedback associated with the candidate profile).

As per **claim 8**, Kurzius et al teaches at least some of the records include a salary received by the worker represented by the record (column 9, lines 53-67 – candidate enters background information including skills and qualifications; column 16, lines 38-56 – candidates enter data regarding previous salary and/or current salary).

As per **claim 9**, Kurzius et al teaches the worker records include values for a predetermined set of fields and the job opening records include values for fields compatible to the predetermined set of fields (column 17, line 64 – column 18, line 26 – candidate matching process takes place wherein job criteria are compared to candidate qualification data; for example, a geographic location is listed for the job record which is compared with the geographic location in the candidate record (column 8, lines 57-67 – the job record may include the category California and subcategories such as San Diego, San Francisco, Los Angeles and Sacramento, whereas a candidate with Sacramento as a geographic preference is listed as a match).

As per **claim 10**, Kurzius et al teaches the job opening comprises range values for one or more of the compatible fields (column 8, lines 57-67 – the job record may include the category California and subcategories (or geographic range) such as San Diego, San Francisco, Los

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Angeles and Sacramento, whereas a candidate with Sacramento as a geographic preference is listed as a match).

As per **claim 11**, Kurzius et al teaches stating a level of importance for one or more of the compatible fields (column 15, lines 8-32 – employer can weight certain job criteria heavier of lighter in view of the importance placed on the criteria).

As per **claim 16**, the combination of Kurzius et al and Career Horizon does not explicitly teach determining for a job opening record, one or more attributes which differentiate between the matching job opening records and displaying a graph which shows an average salary of matching records depending on the one or more attributes. It would have been obvious in view of Career Horizons' salary trends, to include statistics showing how salary changes based on changes in attributes (or qualifications). Showing how salary changes based on changes in qualifications allows potential candidates to see what type of skills or qualifications can generate a higher salary thereby leading to more informed and more highly trained candidates.

As per **claim 17**, Kurzius et al teaches the worker record list includes a predetermined number of records that most closely match the corresponding job opening record (column 17, line 64 – column 8, line 26 – the candidate matching process takes place wherein matching candidates are determined prior to being listed).

As per **claim 18**, Puram teaches scoring the candidate's skills and only returning those candidates who fall within a specified score without exceeded the maximum score (column 17, line 64 – column 8, line 26 – the candidate matching process takes place wherein matching candidates are determined – only those candidates that fall within the required criteria are returned)

As per **claim 21**, Kurzius et al teaches displaying data from one or more worker records that were determined to match the job opening description (column 17, line 64 – column 8, line 26 – candidate matching process takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches).

As per **claim 22**, Kurzius et al teaches notifying the workers represented by the one or more records from which the data was displayed that the data was displayed (column 11, lines 16-28 – job criteria that matches candidate criteria is displayed to the candidate).

As per **claim 29**, Kurzius et al teaches storing a database including a plurality of job openings (column 7, lines 10-22 – job posting database); providing a worker record which includes one or more fields describing a worker's qualifications (column 9, lines 53-67 – candidate enters background information including skills and qualifications); and displaying information from one or more job opening records which match the worker record along with an indication of an attitude of an employer generating the job opening record toward the worker record (column 14, lines 19-25 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile).

As per **claim 30**, Kurzius et al teaches the indication of the attitude of the at least one employer comprises an indication of whether the qualifications of the worker were viewed by the at least one employer (column 14, lines 19-25 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile – inherently when the candidate receives the feedback this is an indicator that the candidate qualifications were viewed).

As per **claim 31**, Kurzius et al teaches displaying the information comprises displaying information from at least one record along with an indication that the employer is interested in

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meeting the worker (column 14, lines 19-39 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile, in addition employer can indicate wanting an interview with the candidate).

As per **claim 33**, Kurzius et al teaches displaying the information comprises displaying a plurality of job opening records concurrently (column 17, line 64 – column 8, line 26 – candidate matching process takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches).

As per **claim 34**, Kurzius et al teaches displaying the information comprises displaying to a worker (column 11, lines 16-28 – a list of matching job postings are displayed to the candidate).

As per **claim 35**, Kurzius et al teaches determining for at least one of the records in the job opening database comprises determining for substantially all the job opening records in the database, whether the job opening in the record matching the position desired by the worker and whether the worker's qualifications match the job opening in the record (column 17, line 64 – column 8, line 26 – candidate matching process takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches).

As per **claim 36**, Kurzius et al teaches the determining whether the opening in the record matches the position desired by the worker and whether the worker's qualifications match the job opening in the record are performed substantially concurrently (column 17, line 64 – column 8, line 26 – candidate matching process takes place wherein job criteria of a job posting are compared to candidate qualification data to create a list of matches).

As per **claim 37**, Kurzius et al teaches at least some of the worker records include a salary received by the worker represented by the record (column 9, lines 53-67 – candidate enters background information including skills and qualifications; column 16, lines 38-56 – candidates enter data regarding previous salary and/or current salary).

As per **claim 38**, Kurzius et al teaches comparing some or all of the job openings in the job opening list and accordingly providing ratings to the job openings (column 11, lines 16-54 – candidate may enter feedback regarding job openings).

As per **claim 39**, Kurzius et al teaches displaying a list of parameters that differentiate between job openings, receiving weights indicating the importance of the parameters to the user and wherein the comparing of the job openings is performed responsive to the received weights (column 15, lines 7-32 – the job opening criteria is weighted indicating importance of the criteria wherein the comparing is performed in light of the weightings to generate a candidate list).

5. Claims 7, 19, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al, US 6,385,620, and Career Horizon, further in view of Puram et al, US 6,289,340.

As per **claim 7**, the combination of Kurzius et al and Career Horizon does not explicitly teaches automatically suggesting changes by the processor in the description of the job opening such that the description matches a desired set of one or more worker records. Puram et al teaches an employer modifying the needs profile to yield a smaller or larger pool of candidates, i.e., the needs record is modified to match candidate records to produce a larger pool of candidates (column 7, lines 40-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to include modification of the job opening description to match

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worker records especially if the matching process resulted in little or no matches. The modification of the job opening record of Kurzius et al to match more worker records would guarantee more matches thereby resulting in a larger pool of candidates to select from.

As per **claim 19**, the combination of Kurzius et al and Career Horizon does not explicitly teach providing a different description of a job opening responsive to the determination and repeating the determining with the provided different description. Puram et al teaches an employer modifying the needs profile to yield a smaller or larger pool of candidates, i.e., the needs record is modified to match candidate records to produce a larger pool of candidates (column 7, lines 40-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to include modification of the job opening description to match worker records especially if the matching process resulted in little or no matches. The modification of the job opening record of Kurzius et al to match more worker records would guarantee more matches thereby resulting in a larger pool of candidates to select from.

As per **claim 20**, the combination of Kurzius et al and Career Horizon does not explicitly teach the different description of a job opening is different from the previously provided job opening record in substantially only one field. Puram teaches descriptions of the job openings in the job opening database comprise a plurality of fields and wherein the different description of a job opening is different from the previously provided description in substantially only one field (column 7, lines 40-47 – employer modifies needs profile to yield a smaller or larger pool of candidates; i.e. employer may raise or lower the skill level for only one skill thereby resulting in a difference of only one field of skill level). Since both Kurzius and Puram are both directed toward candidate recruiting, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify only one field of the job opening record of Kurzius et al such as done in Puram as a way to broaden or narrow the candidate results.

As per **claim 32**, the combination of Kurzius et al and Career Horizons teaches displaying information according to the attitude of the employer (column 14, lines 19-25 – candidates receive feedback regarding candidate interest and feedback associated with the candidate profile), but does not explicitly teach displaying the information comprises displaying information in different colors. However it is old and well known to color-code indicating marks as a way to differentiate between the marks. The addition of color-coding to the Kurzius et al system would allow for a more user-friendly system since colors are more eye-catching and would draw attention to the fact that the employer has indicated some sort of interest.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conhaim, Wallys W. "The latest Dow Jones Interactive enhancements"

"View Salary Statistics Online"

"Where to Make More Money Now"

"What are You Worth?"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

9/29/06

C. Michelle Tarae
C. Michelle Tarae
Patent Examiner
Art Unit 3623